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C O N F I D E N T I A L ZAGREB 002642

SIPDIS

DEPARTMENT FOR S/WCI- AMBASSADOR PROSPER AND  
EUR/SCE-KABUMOTO  
DEPARTMENT ALSO FOR EUR/ACE - PASQUAL

E.O. 12958: DECL: 12/16/2013

TAGS: [KAWC](#) [PREL](#) [HR](#)

SUBJECT: CROATIA WILL SOON BE READY FOR AMBASSADOR PROSPER  
TO PUSH WAR CRIMES ISSUES

REF: A. A) ZAGREB 2199 B) ZAGREB 2237 C) ZAGREB 2248  
[B](#). D) ZAGREB 2283 E) ZAGREB 2343 F) ZAGREB 2362  
[C](#). G) ROBERTS-FRIEDMAN E-MAIL 9/6/03  
[D](#). H) ROBERTS-FRANK E-MAIL 12/16/03 I) ZAGREB 2174

Classified By: Ambassador Ralph Frank, reasons 1.5 (b) & (d)

SUMMARY and ACTION REQUEST

[1](#). (C) Prime Minister-Designate Ivo Sanader and his new-look HDZ will take office in late December following their strong showing in the November 23 parliamentary elections. Although the HDZ's voter base still includes many hard-line nationalists, Sanader's pro-European / pro-U.S. campaign included promises to cooperate fully with the ICTY. We want to ensure Sanader follows through, but believe that at this time, a concerted but private approach would be most effective. While the Ambassador continues to encourage Sanader to deal directly and personally with Carla del Ponte and vigorously seek to find and deliver ICTY fugitive Ante Gotovina to The Hague, we would like to delay any additional public campaign of the Rewards-for-Justice program to give Sanader the opportunity to make good on his campaign promises.

[2](#). (C) We think the time will be right for Ambassador Prosper to come to Zagreb as soon as the new government settles into office ) mid to late January ) to reinforce our non-public pressure before Sanader's promises to cooperate with the ICTY are lost in the push and pull of local politics. The new government should also be pushed to implement recently-passed laws that will support development of domestic war crimes prosecution capabilities, as Ambassador Prosper was promised on his last visit to Zagreb (ref A). Post recommends that the long-planned war crimes assistance assessment team come to Zagreb immediately following Ambassador Prosper's visit, but only if we can identify sufficient funding for an assistance program. End Summary and Action Request.

Sanader's ICTY Promise

[3](#). (C) Prime Minister-designate Ivo Sanader made repeated pledges on the campaign trail that, if elected, the HDZ would cooperate fully with the ICTY. Part of this may well have been Sanader's calculation that the international community needed to hear this message to calm fears that a restored HDZ would mean a return to the bad old days of Franjo Tudjman. However, while he was careful never to say explicitly that his government would transfer PIFWC Ante Gotovina, Sanader took a real risk of alienating part of his party base. Since winning a plurality of seats in the Sabor, Sanader has signaled that he is ready to follow through on ICTY cooperation, including comments this week that the GoC would cooperate with the ICTY even when it does not agree with it, a veiled reference to Gotovina. He rejected a coalition with the hard-right HSP, even though his government will have only the slimmest of majorities. More importantly, Sanader has announced that he will personally manage the issue of ICTY cooperation.

Holding Him To His Word

[4](#). (C) The Ambassador has developed a frequent but very non-public dialogue with Sanader and Foreign Minister-designate Miomir Zuzul on ICTY cooperation and other issues. Sanader and Zuzul confirm their intention to work with the ICTY. Further, they have floated trial balloons with the ICTY head of office about modalities for PIFWC Ante Gotovina to turn himself in to the Tribunal. We will continue to reiterate our private message to Sanader that ICTY cooperation is a precondition for the new government to build a positive relationship with the U.S. While we cannot be sure whether Sanader can deliver Gotovina, we continue to make it clear that the U.S. agrees with the international community consensus: Croatia must demonstrate full and complete cooperation on all issues with the ICTY, including Gotovina.

Time is right for Ambassador Prosper  
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15. (C) With Sanader's cabinet just about to settle into office, a visit to Zagreb in the third or fourth week of January by Ambassador-at-Large for War Crimes Issues Pierre Prosper would maximally reinforce our message on Croatian

behavior on war crimes issues. Ambassador Prosper can make clear in face-to-face meetings with Sanader and the key new Ministers of Foreign Affairs, Internal Affairs, and Justice that the U.S. expects the new government to prove itself ready to join Euro-Atlantic institutions by the actions it takes on war crimes issues. Beyond cooperation with the ICTY and the surrender of Gotovina, we should push the new government to move quickly to create special war crimes courts and to implement the witness protection program called for in laws passed at the end of the last government's mandate. Ambassador Prosper can seek to renew commitments on this made to him by the previous government.

Wait on Rewards-for-Justice Push  
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16. (C) We believe that any U.S.-backed publicity campaign now to push for PIFWC information via the Rewards-for-Justice (RFJ) program would send the wrong message: the U.S. does not trust the sitting government to make a concerted effort to find PIFWCs like Gotovina. Further, Ambassador Prosper's comments during his last visit on the RFJ program were widely miss-construed by the press (refs A & B). There have been only 68 calls and almost no useful information coming to the embassy's hot line as a result of the publicity generated for the RFJ program (refs C & E). Thus, we believe that any U.S. public comments on Croatian PIFWCs should focus on the opportunity the new government has to demonstrate by its actions toward the ICTY and the international community its full adoption of the core values of the Euro-Atlantic community. We should give Sanader a grace period in office to deliver on Gotovina before reconsidering the need for another targeted RFJ push in Croatia.

ICTY Completion Strategy Needs Jump-start  
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17. (C) ICTY representatives have told us that Croatia should be prepared to take over approximately 25 major war crimes cases under the Completion Strategy. The outgoing government leaves for the HDZ a mixed legacy on building domestic war crimes prosecution capabilities (refs D & F). It brought to Zagreb Chief State Prosecutor Mladen Bajic, who is widely regarded as an honest and fair prosecutor with a deep interest in building the institutional capacities of his office. Likewise, the outgoing government brought in as Director General of Police Ranko Ostojic, who is also generally respected by the international community. While Ostojic was unable to deliver Gotovina, he did catch PIFWC Ivica Rajic and, with Bajic, helped dig out key information on the Tudjman-developed Operation Haag to hide PIFWCs in Croatia. Further, Bajic led the effort to convict Croatian war criminal Mirko Norac. However, the Paulin Dvor investigation has languished, possibly to avoid uncomfortable revelations during the recent elections.

18. (C) While Ostojic may not survive the government transition, Sanader appears inclined to keep Bajic on for now. We need to take advantage of positive personalities in key professional positions now, to help institutionalize reforms they have initiated. The challenges remaining should not be overblown, but remain significant. Local prosecutors continue to waste court time pursuing trials-in-absentia against Serbian suspects. While one judge was widely praised for impartiality in a highly charged war crimes case against a Croatian, another judge recently issued a war crimes verdict that reads more like the rantings of an angry mob than the reasoned consideration of a judicial professional.

Let's Deliver Promised War Crimes Assistance  
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19. (C) We can help firm up the position of key players who promote institutional reform ) who would be most receptive to our assistance ) by delivering on our long-standing commitment to begin a war crimes assistance program. This should start with the visit of an assessment team immediately following Ambassador Prosper's visit. The team should be prepared to consider focusing initial assistance on helping the police develop their witness protection program. Although the State Prosecutor's office has developed strong capabilities with our assistance, we should look at following up with programs on complex case management and task force development as a priority. The EU CARDS program has a comprehensive judicial training project that is only just beginning to get rolling. We should consider focusing our

efforts on judicial training on specific, practical issues such as the sensitivities of managing a war crimes trial and

the requirements for accepting evidence developed outside of Croatia, i.e. either in Serbia or Bosnia and Herzegovina or by the ICTY.

#### Funding Problem

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10. (C) In preparing previous outlines of a war crimes assistance program, post had relied on commitments by the Department to provide USD 1 million each of SEED FY-03 and FY-04 regional funds (ref G and previous). Post understands that FY-03 funds were redirected to assist in the creation of Bosnia's war crimes court. Post has just received information (ref H) that FY-04 regional SEED funds are also no longer available. While we will review our resource allocations, we are not optimistic about finding additional funds as we have previously fully programmed bilateral FY-04 SEED funds (ref I). Launching a credible war crimes assistance program requires adequate funding. If we cannot identify sufficient funds, we should not initiate such a program.

FRANK

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